

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Lakes Entertainment, Inc.,

Plaintiff,

v.

Civil No. 09-677 (JNE/SRN)
ORDER

Milberg LLP, William S. Lerach, Kevin P. Roddy,
Spencer A. Burkholz, and John B. Torkelsen,

Defendants.

Asserting claims of fraud, conspiracy, negligent supervision, and violations of the Racketeer Influenced and Corrupt Organizations Act, Lakes Entertainment, Inc., brought this action against Milberg LLP, William S. Lerach, Kevin P. Roddy, Spencer A. Burkholz, and John B. Torkelsen. Milberg, Lerach, Roddy, and Burkholz moved to dismiss the Complaint. Lakes Entertainment then filed an Amended Complaint. Milberg, Lerach, Roddy, and Burkholz intend to move to dismiss the Amended Complaint. Pursuant to an Order dated September 9, 2009, their responses to the Amended Complaint are due in November 2009. Accordingly, the Court denies as moot the motions to dismiss the original Complaint. *See Pure Country, Inc. v. Sigma Chi Fraternity*, 312 F.3d 952, 956 (8th Cir. 2002).

Based on the files, records, and proceedings herein, and for the reasons stated above, IT
IS ORDERED THAT:

1. Burkholz's Motion to Dismiss Plaintiff's Complaint [Docket No. 42], Lerach's Motion to Dismiss [Docket No. 44], Milberg's Motion to Dismiss the Complaint [Docket No. 47], and Roddy's Motion to Dismiss [Docket No. 50] are DENIED AS MOOT.

Dated: September 28, 2009

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge